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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/353,008 12/09/94 SKERGAN

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EXAMINER

E6M1/0424

ANDREW J DILLON
FELSMAN BRADLEY GUNTER & DILLON
2600 CONTINENTAL PLAZA
777 MAIN STREET
FORT WORTH TX 76102

TRAN V
ART UNIT PAPER NUMBER

2609

#6

DATE MAILED:

04/24/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on Dec. 30, 97

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Part III DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 30, 1996 have been fully considered but they are not persuasive because the claims do not comprise a definition for a graphical pointing device nor do they require the graphical pointer to be moveable. Nowhere in the claims addresses to the movable graphical pointer being controlled by an input device. Examiner realizes that the present invention is totally different from the teaching of the reference, however, a scroll arrow could be broadly interpreted as a pointer. Claims 10-14 are rejected for the same reasons provided in the rejection to claims 1-5 because Claris teaches a software application for Windows.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 10-15 are rejected under 35 U.S.C. § 102(b) as being anticipated over Claris.

As to claims 1 and 10, Claris teaches an improved method of selecting points within a display device of a data processing system, said data processing system including a single graphical pointing device, comprising: displaying a plurality of graphical pointers (see Figure 3-24); temporarily selecting one graphical pointers among the plurality of graphical pointers; manipulating

said one graphical pointer in response to operation of a single graphical pointing device (see Figure 3-24); selecting a point within the display device in response to closure of a switch associated with the selected graphical pointer, said point specified by a position of the selected graphical pointer in X and Y coordinates (see Figure 1-17).

As to claims 2-5 and 11-14, Claris teaches selecting points on a graphical pointer among a plurality of graphical pointers including selecting a subset as shown in Figure 3-24, including one graphical pointer and at least a second graphical pointer. Manipulating one graphical pointer includes manipulating said subset of the plurality of graphical pointers (see Figure 3-24 and read page 3-21.) Any conventional mouse for manipulating the graphical pointers has at least two buttons or more, and each is designated a different function.

5. Claims 6-9 are rejected under 35 U.S.C. § 102(b) as being anticipated over Apple Computer, Inc..

As to claim 6, Apple Computer, Inc. teaches a plurality of pointers, a single pointing device for selecting and manipulating

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graphical pointers, and closure of a switch selects a point within a display device (see pages 4 and 5).

As to claims 7-9, Apple Computer, Inc. further teaches the use of a mouse as a pointing device and a mouse button as a switch to select and manipulate graphical pointers by "clicking" and "dragging" (see pages 4 and 5). Last, pages 30-31 teaches graphical pointers being arrows.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vui Tran whose telephone number is (703) 306-2795.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700 or to the main telephone number at (703) 305-3900.

Vui T. Tran
April 21, 1997



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
GROUP 2600